



U.S. Department of Justice

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April 26, 2019

Via ECF

Honorable George B. Daniels
United States District Judge
Southern District of New York
500 Pearl Street
New York, New York 10007

Re: *ASPCA v. Animal and Plant Health Inspection Serv. et al.*, 18 Civ. 4559 (GBD) (DF)
Proposed Summary Judgment Briefing Schedule

Dear Judge Daniels:

This Office represents Defendants the Animal and Plant Health Inspection Service and the U.S. Department of Agriculture in the above-referenced case brought by the American Society for the Prevention of Cruelty to Animals (“ASPCA”) pursuant to the Freedom of Information Act. I write respectfully to propose a briefing schedule for the parties’ summary judgment motions.

Since the last conference before Your Honor on November 29, 2018, Magistrate Judge Freeman has denied both the ASPCA’s request for discovery prior to summary judgment and its request for a settlement conference, following telephone conferences and two rounds of letter briefing. *See* Dkt. Nos. 47, 54; *see also* Dkt. Nos. 45-46, 48-50.

Defendants now respectfully request that the Court adopt the following proposed schedule for cross-motions for summary judgment:

- June 7, 2019: Government’s motion for summary judgment.
- July 12, 2019: ASPCA’s combined opposition and cross-motion for summary judgment.
- August 2, 2019: Government’s combined opposition and reply.
- August 23, 2019: ASPCA’s reply.

Additionally, the Court has scheduled a status conference for June 20, 2019, at 9:45 a.m. Dkt. No. 54. Defendants respectfully request that the Court adjourn the June 20 conference until after the summary judgment motions are fully briefed.

The ASPCA consents to the proposed briefing schedule and the requested adjournment of the June 20 conference.

Thank you for your consideration of this request.

Respectfully submitted,

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